

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

GERONIMO FRATICELLI)	CIVIL NO. 3:18-CV-00601
ROSADO, JR,)	
Plaintiff)	
)	
v.)	(ARBUCKLE, M.J.)
)	
JANE DOE LAW LIBRARIAN, <i>et</i>)	
<i>al.</i> ,)	
Defendants)	

ORDER

The Court has been notified that the parties in the above-captioned case have reached a settlement agreement. Accordingly, it is ORDERED that:

- (1) All deadlines in this action are STAYED;
- (2) Any pending Motions are DENIED as MOOT;
- (3) The Clerk of Court is DIRECTED to mark this matter CLOSED for administrative purposes only;
- (4) The parties are DIRECTED to file an appropriate stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a),¹ which specifies whether the dismissal will be with or without prejudice;

¹ Rule 41 contemplates three methods of dismissal. Before an answer or summary judgment motion has been filed, an action can be dismissed by a notice of dismissal signed by the plaintiff alone. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). After an answer or motion for summary judgment has been filed, the parties can dismiss a case by filing a stipulation of dismissal signed by all parties who have appeared. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii). Either of these filings operates to close the case and end the court's jurisdiction without further court action. For any dismissal that is conditional or otherwise requires court approval, including, for example, a request that the court retain jurisdiction for a specific period of time for enforcement of the settlement, the

- (5) Either party may file a notice to reinstate this action if the settlement is not consummated within sixty days of this order, provided that such notice is filed no later than **March 20, 2023**; and
- (6) If the parties fail to timely file a stipulation of dismissal or notice to reinstate this action within the sixty days, this order shall operate as a voluntary dismissal with prejudice, based on the parties' aforementioned notice of settlement. *See Papera v. Pa. Quarried Bluestone Co.*, 948 F.3d 607, 610–12 (3d Cir. 2020).

Date: January 20, 2023

BY THE COURT

s/William I. Arbuckle
William I. Arbuckle
U.S. Magistrate Judge

plaintiff shall submit a motion to dismiss setting forth the requested terms for dismissal, accompanied by a proposed order. *See* Fed. R. Civ. P. 41(a)(2).